

## CAPE TOWN ATTORNEYS ASSOCIATION

### LIBRARY CIRCULAR – 30 May 2014

#### A. NEW ACTS

Marine Living Resources Amendment Act 5 of 2014 (commencement date to be set)

To amend the Marine Living Resources Act, 1998, so as to insert, amend or delete certain definitions; to amplify the objectives and principles provided for in that Act; to make provision for measures relating to small-scale fishing and for the powers and duties of the Minister in this regard; to effect technical amendments; and to provide for matters connected therewith.

South African Language Practitioner's Council Act 8 of 2014 (commencement date to be set)

To provide for the establishment of the South African Language Practitioners' Council; to provide for the objects, powers, duties and functions of the Council; to determine the manner in which the Council is to be managed, governed, staffed and financed; to regulate the training of language practitioners; to provide for control of the accreditation and registration of language practitioners; and to provide for matters connected therewith.

Legal Metrology Act 9 of 2014 (commencement date to be set)

To provide for the administration and maintenance of legal metrology technical regulations in order to promote fair trade and to protect public health and safety and the environment; and to provide for matters connected therewith.

Mental Health Care Act 12 of 2014 (commencement date to be set)

To amend the Mental Health Care Act, 2002, so as to insert a new section; to provide for the delegation of powers by the head of the national department to officials in the national department; to repeal the Mental Health Act, 1973; and to provide for matters connected therewith.

State Attorney Amendment Act 13 of 2014 (commencement date to be set)

To amend the State Attorney Act, 1957, so as to provide for the establishment of offices of State Attorney; to provide for the appointment of a Solicitor-General and State Attorneys; to provide for the powers of the Minister relating to the functions of the offices of State Attorney; to provide for the powers and functions of the Solicitor General; and to provide for matters connected therewith.

Judicial Matters Amendment Act 14 of 2014 (w.e.f. 19 May 2014 except s.2, 3 and 6 ..to be set)

To amend the Attorneys Act, 1979, so as to further regulate the powers of the board of control of the Attorneys Fidelity Fund; the Child Justice Act, 2008, so as to further regulate the evaluation of the criminal capacity of a child; to provide for the delegation of certain powers and assignment of certain duties by the Cabinet member responsible for social development in respect of the accreditation of diversion programmes and diversion service providers; to repeal provisions that make the Criminal Law Amendment Act, 1997, applicable to persons under the age of 18 years; and to provide for matters connected therewith.

Special Economic Zones Act 16 of 2014 (commencement date to be set)

To provide for the designation, promotion, development, operation and management of Special Economic Zones; to provide for the establishment, appointment of members and functioning of the Special Economic Zones Advisory Board; to provide for the establishment of the Special Economic Zones Fund; to regulate the application, issuing, suspension, withdrawal and transfer of Special Economic Zones operator permits; to provide for functions of the Special Economic Zones operator; to provide for transitional arrangements; and to provide for matters connected therewith.

National Credit Amendment Act 19 of 2014 (commencement date to be set)

To amend the National Credit Act, 2005, so as to amend certain definitions; to provide for the alteration of the governance structure of the National Credit Regulator; to empower the Chief Executive Officer to delegate certain functions to other officials of the National Credit Regulator; to provide for the registration of payment distribution agents; to tighten measures relating to debt counsellors and the conduct of their practices as debt counsellors; to allow registrants to voluntarily cancel their registration; to empower the Minister to issue a notice for the removal of adverse consumer credit information; to provide for automatic removal of adverse consumer credit information; to empower the National Consumer Tribunal to declare a credit agreement reckless; to provide for the registration and accreditation of alternative dispute resolution agents; and to provide for matters connected therewith.

National Environmental Management: Air Quality Amendment Act 20 of 2014 (w.e.f. 19 May 2014)

To amend the National Environmental Management: Air Quality Act, 2004, so as to substitute certain sections; to provide for the establishment of the National Air Quality Advisory Committee; to provide for the consequences of unlawful commencement of a listed activity; to provide for monitoring, evaluation and reporting on the implementation of an approved pollution prevention plan; to empower the MEC or Minister to take a decision in the place of the licensing authority under certain circumstances; to provide for the Minister as licensing authorities in situations where the province, as a delegated licensing authority by the municipality, is the applicant for an atmospheric emission licence, where the applications are trans-boundary, where the air activity forms part of national priority project, where the activity is also related to the environmental impact and waste management activities authorised by the Minister, where the air activity relates to a prospecting, mining, exploration or production activity; to delete cross references to the Environmental Conservation Act, 1989; to clarify that applications must be brought to the attention of interested and affected parties soon after the submission to the licensing authority; to provide for a validity period of provisional atmospheric emission licence; to create an offence for non-compliance with controlled fuels standards; to provide for the development of regulations on climate change matters and the procedure and criteria for administrative fines; to delete certain obsolete provisions; and to provide for matters connected therewith.

**B. DRAFT BILLS**

Draft Road Accident Benefit Scheme Bill: published for comment

To provide for a social security scheme for the victims of road accidents; to establish the Road Accident Benefit Scheme Administrator to administer and implement the scheme; to provide a set of defined benefits on a no-fault basis to persons for bodily injury or death caused by or arising from road accidents; and to

exclude liability of certain persons otherwise liable for damages in terms of the common law; and to provide for matters connected therewith  
GN 337 GG 37612 9.5.2014

## C. FROM THE GOVERNMENT GAZETTES

### COMMENCEMENT OF STATUTES

Independent Communications Authority of South Africa Amendment Act (2/2014)  
... w.e.f 16 May 2014

This Act amends the Independent Communications Authority of South Africa Act, 2000, so as to insert new, amend existing and repeal obsolete, definitions; to provide for further clarity on the powers and duties of the Authority; to introduce mechanisms to ensure the accountability of the Authority, including that of councillors and committees; and to confirm the use of electronic communications networks and services for the purpose of electronic transactions; and to provide for matters connected therewith

Proc 31 GG 37650 16.5.2014

Electronics Communications Amendment Act (1/2014)....w.e.f. 21 May 2014

This act amends the Electronic Communications Act, 2005, so as to insert, amend or delete certain definitions; to align the Act with broad-based black economic empowerment legislation; to refine provisions relating to licensing; to make further provision towards ensuring effective competition amongst persons licensed under the Act; to remove regulatory bottlenecks; to require the Minister of Communications to establish a council to advise the Minister on broadband policy and implementation; to make further provision for the discounted rate at which Internet services must be provided to schools, educational institutions and public health establishments; to authorise the Minister to require that certain information be submitted to the Minister; to make provision for the fiduciary duties of members of the Board of the Universal Service and Access Agency of South Africa; to provide afresh for the appointment and conditions of appointment of the chief executive officer of the Board; to make further provision for the utilisation of money in the Universal Service and Access Fund; and to provide for matters connected therewith.

R.406 GG 37670 21.5.14

Immigration Amendment Act (2/2007)....w.e.f. 26 May 2014

To amend the Immigration Act, 2002, so as to define certain words and to substitute a definition; to provide for the clarification and revision of procedures and permits with regard to admission to, residence in and departure from the Republic; to effect certain technical corrections; and to provide for matters connected therewith.

R.32 GG 37679 22.5.2014

Immigration Amendment Act (13/2011).....w.e.f. 26 May 2014

To amend the Immigration Act, 2002, so as to substitute certain words of the Preamble to the Act; to delete, insert or substitute certain definitions; to revise provisions relating to the Immigration Advisory Board; to revise provisions relating to the making of regulations; to provide for the designation of ports of entry; to revise provisions relating to visas for temporary sojourn in the Republic and for the procedures with regard thereto; to provide for the mandatory transmission and use of information on advance passenger processing; to provide for the transmission of passenger name record information; to revise provisions relating to permanent residence; to revise penal provisions; etc.

R. 33 GG 37679 22.5.2014

## REGULATIONS AND GOVERNMENT NOTICES

Basic Conditions of Employment Act (75/1997): Notice of commencement of investigation into the Building Sector, South Africa with a view to establishing a sectoral determination prescribing minimum wages and conditions of employment published for comment

GN 396 GG 37653 23.5.2014

Immigration Act (13/2002): new regulations published (repealing 2005 regs)  
R. 413 GG 37679 22.5.2014

Income Tax Act (58/1962); Skills Development Levies Act (9/1999);  
Unemployment Insurance Contributions Act (4/2002): Prescription of date by which an employer must render a return as prescribed by the Acts published  
GN 369 GG 37646 16.5.2014

Road Accident Benefit Scheme Bill: Rules published for comment  
GN 50 GG 37612 9.5.2014

Draft Road Accident Benefit Scheme Regulations: published for comment  
GN 338 GG 37612 9.5.2014

## D. FROM THE PROVINCIAL GAZETTES

Western Cape Monitoring and Support of Municipal Act 4/2014 (date of commencement to be set)

To give effect to sections 154(1) and 155(6) of the Constitution of the Republic of South Africa, 1996, by making further provision for measures to support municipalities, to develop and strengthen the capacity of municipalities and to improve their performance; to give effect to section 106(1) of the Local government: Municipal Systems Act, 2000, by providing in greater detail for the monitoring of suspected non-performance and maladministration in municipalities and to provide for incidental matters.

PN 100 PG 7251 11.4.2014

Draft Western Cape Liquor Amendment Bill, 2014 together with Memorandum published for comment

PNs 111-112 PG 7253 17.4.2014